

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 264

Introduced by Senator Machado

February 15, 2005

An act to amend ~~Section 12301~~ *Sections 12301 and 12986* of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 264, as amended, Machado. Delta Flood Protection Fund: *delta levee maintenance*.

Under

Existing law establishes the Delta Flood Protection Fund, and states the intent of the Legislature to appropriate \$6,000,000 in the fund annually to the Department of Water Resources for a delta levee maintenance subventions program. Under existing law, the ~~Delta Flood Protection Fund~~ fund is abolished on July 1, 2006, and all unencumbered moneys in the fund are transferred to the General Fund.

Existing law governing the delta levee maintenance subventions program, until July 1, 2006, states the intent of the Legislature to reimburse an eligible local agency for costs incurred in any year for the maintenance or improvement of project or nonproject levees, in accordance with prescribed limitations on the amount and the source of reimbursement funds. Other existing law, to become operative on July 1, 2006, states the intent of the Legislature to reimburse from the General Fund an eligible local agency for those costs in accordance with other prescribed limitations on the amount and the source of reimbursement funds.

This bill would extend the existence of the fund until July 1, ~~2008~~ 2010, and would change those other dates to July 1, 2010.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12301 of the Water Code is amended to
2 read:
3 12301. The Delta Flood Protection Fund is hereby abolished
4 on July 1, ~~2008~~ 2010, and all unencumbered moneys in the fund
5 are transferred to the General Fund.
6 *SEC. 2 Section 12986 of the Water Code, as amended by*
7 *Section 13 of Chapter 601 of the Statutes of 1996, is amended to*
8 *read:*
9 12986. (a) It is the ~~intention~~ *intent* of the Legislature to
10 reimburse an eligible local agency pursuant to this part for costs
11 incurred in any year for the maintenance or improvement of
12 project or nonproject levees as follows:
13 (1) No costs incurred shall be reimbursed if the entire cost
14 incurred per mile of project or nonproject levee is one thousand
15 dollars (\$1,000) or less.
16 (2) Not more than 75 percent of any costs incurred in excess of
17 one thousand dollars (\$1,000) per mile of project or nonproject
18 levee shall be reimbursed.
19 (3) (A) As part of the project plans approved by the board, the
20 department shall require the local agency or an independent
21 financial consultant to provide information regarding the
22 agency's ability to pay for the cost of levee maintenance or
23 improvement. Based on that information, the department may
24 require the local agency or an independent financial consultant to
25 prepare a comprehensive study on the agency's ability to pay.
26 (B) The information or comprehensive study of the agency's
27 ability to pay shall be the basis for determining the maximum
28 allowable reimbursement eligible under this part. Nothing in this
29 paragraph shall be interpreted to increase the maximum
30 reimbursement allowed under paragraph (2).
31 (4) Reimbursements made to the local agency in excess of the
32 maximum allowable reimbursement shall be returned to the
33 department.
34 (5) The department may recover, retroactively, excess
35 reimbursements paid to the local agency from any time after

1 January 1, 1997, based on an updated study of the agency's
2 ability to pay.

3 (6) All final costs allocated or reimbursed under a plan shall
4 be approved by the reclamation board for project and nonproject
5 levee work.

6 (7) Costs incurred pursuant to this part that are eligible for
7 reimbursement include construction costs and associated
8 engineering services, financial or economic analyses,
9 environmental costs, mitigation costs, and habitat improvement
10 costs.

11 (b) This section shall become inoperative on July 1, ~~2006~~
12 ~~2010~~, and, as of January 1, ~~2007~~ 2011, is repealed, unless a later
13 enacted statute, that becomes operative on or before January 1,
14 ~~2007~~ 2011, deletes or extends the dates on which it becomes
15 inoperative and is repealed.

16 *SEC. 3. Section 12986 of the Water Code, as amended by*
17 *Section 14 of Chapter 601 of the Statutes of 1996, is amended to*
18 *read:*

19 12986. (a) It is the ~~intention~~ *intent* of the Legislature to
20 reimburse from the General Fund an eligible local agency
21 pursuant to this part for costs incurred in any year for the
22 maintenance or improvement of project or nonproject levees as
23 follows:

24 (1) No costs incurred shall be reimbursed if the entire cost
25 incurred per mile of levee is one thousand dollars (\$1,000) or
26 less.

27 (2) Fifty percent of any costs incurred in excess of one
28 thousand dollars (\$1,000) per mile of levee shall be reimbursed.

29 (3) The maximum total reimbursement from the General Fund
30 shall not exceed two million dollars (\$2,000,000) annually.

31 (b) This section shall become operative on July 1, ~~2006~~ 2010.